



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

January 2, 1990
AO-90-01

John P. Boddie
Collector of Taxes
Town Hall Building
Great Barrington, MA 02130

Dear Mr. Boddie:

This letter is response to your request for an advisory opinion. You have inquired whether as a public official, namely the Tax Collector for the Town of Great Barrington, you may keep an initiative petition to be signed in your office.

M.G.L. c.55 governs the regulation of campaign finance activity in Massachusetts, which includes the use of government resources for political purposes. In Anderson v. City of Boston, 376 Mass. 178 (1978), the Supreme Judicial Court looked to the provisions of M.G.L. c.55 in addressing the question of whether municipalities have the authority to appropriate and expend funds for the purpose of engaging in any activity designed to influence the results of a referendum question without specific statutory authority to so act. The Court concluded that municipalities do not have such authority.

It is the opinion of this office, therefore, that if you were to utilize town funds (e.g. the payment of your salary, use of town offices and the like) in order to promote a ballot question (i.e. gathering signatures for an initiative petition) you would be undertaking activity censored by the Anderson court and therefore prohibited by M.G.L. c.55. You would not, therefore, be permitted to keep an initiative petition to be signed in your office.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have any additional questions.

Very truly yours,

Mary F. McTigue

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Director

MFM/wp